

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PREMIER CAPITAL, LLC,

Plaintiff,

v.

Civil Action No.  
03-CV-12497-NG

BEVERLY JOHNSON PENZELL, d/b/a  
Law Office of Kris E. Penzell,  
and BEVERLY JOHNSON PENZELL, as  
Personal Representative of the  
Estate of Kris E. Penzell,

Defendants.

PLAINTIFF'S OPPOSITION TO DEFENDANT  
BEVERLY JOHNSON PENZELL'S EMERGENCY  
MOTION FOR PROTECTIVE ORDER AND REQUEST FOR SANCTIONS

Plaintiff Premier Capital, LLC ("Premier"), by its  
attorney, opposes the above-referenced Motion for Protective  
Order and Request For Sanctions on the following grounds:


1. Counsel for the respective parties have worked  
together amicably with respect to scheduling matters in the  
past. In this instance, counsel for plaintiff attempted,  
unsuccessfully, to finalize deposition scheduling during his  
vacation (June 15-July 1, 2007), despite intermittent  
wireless internet and phone access. In addition, counsel  
has sought to coordinate the schedules of client  
representatives and plaintiff's expert, Mr. Storfer, in  
preparing a week of depositions. He apologizes to counsel  
for defendant for any inconvenience or delay.

2. However, this matter plainly does not warrant judicial relief, whether in the form of a protective order, sanctions, or otherwise. It is a waste of judicial resources and a diversion from working together, without judicial hand-holding, to schedule and complete discovery.

3. The Court should deny the motion and encourage the parties to arrive at a mutually-acceptable schedule immediately (a process already hindered by plaintiff having been made to respond to defendant's inappropriate motion).

PREMIER CAPITAL, LLC

By its attorney,



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Dated: July 2, 2007